

I. PROJECT DESCRIPTION

A. OVERVIEW OF THE PROJECT

This EIR evaluates a request for a Planned Development Rezoning to allow for the continued operation of an existing 18-hole golf course (including the use of the renovated hanger building as a maintenance building), demolishing the existing 58,946-square foot restaurant building on the site (former Flying Lady restaurant) and constructing a new building in its place for use as the headquarters of the American Institute of Mathematics, and the renovation and use of other structures on the project site as support facilities, including: residence for mathematicians; a restroom; caretaker's residence; equipment storage; food service; a lecture hall; offices; and a guard building.

B. PROJECT LOCATION

The approximate 192-acre project site is located within the city limits of Morgan Hill, east of Highway 101 on the southeast corner of Foothill Avenue and Maple Avenue, as shown on Figures 1 and 2.

C. DESCRIPTION OF THE PROJECT

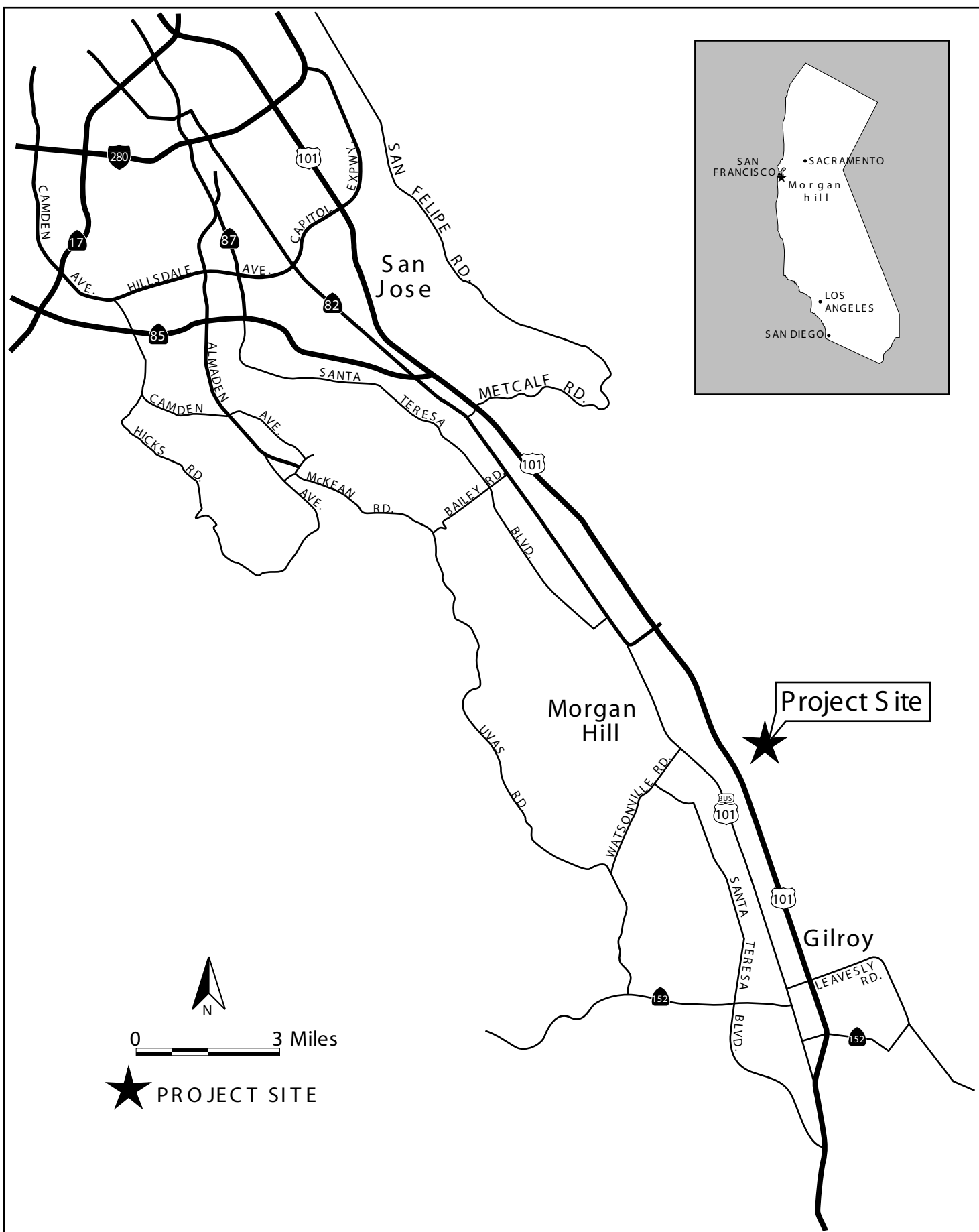
Background

The grading and construction of the existing golf course was completed in advance of obtaining all of the required permits and approvals. In April 1997, the City of Morgan Hill issued a grading permit for the reconstruction of an existing 9-hole golf course on the project site. The April 1997 permit also allowed for the construction of a new access driveway and an irrigation pond. The approved grading plan allowed for a maximum cut/fill of 105,000 cubic yards of material and was limited to an area of approximately 40 acres. The project proponent expanded grading operations to construct the existing 18-hole golf course, which encompasses almost the entire 192-acre project site. The amount of material graded on the property is estimated to have been in excess of 500,000 cubic yards. The project proponent graded approximately 150 acres of the site and moved more than 395,000 cubic yards of material in excess of the grading permits and approvals issued by the City.

Based upon an archaeological survey completed in June 1996¹ and conversations with the project proponent, most of the project site is believed to have been previously disturbed or altered as part of the previous uses on the site. Former uses on the site are known by the City to have included the Hill Country 9-hole golf course, the Flying Lady restaurant and bar, a hotel, a propeller shop, an aircraft museum, a totem pole shop, and a church and daycare center. The northwest portion of the project site has been used for agricultural purposes in the past.

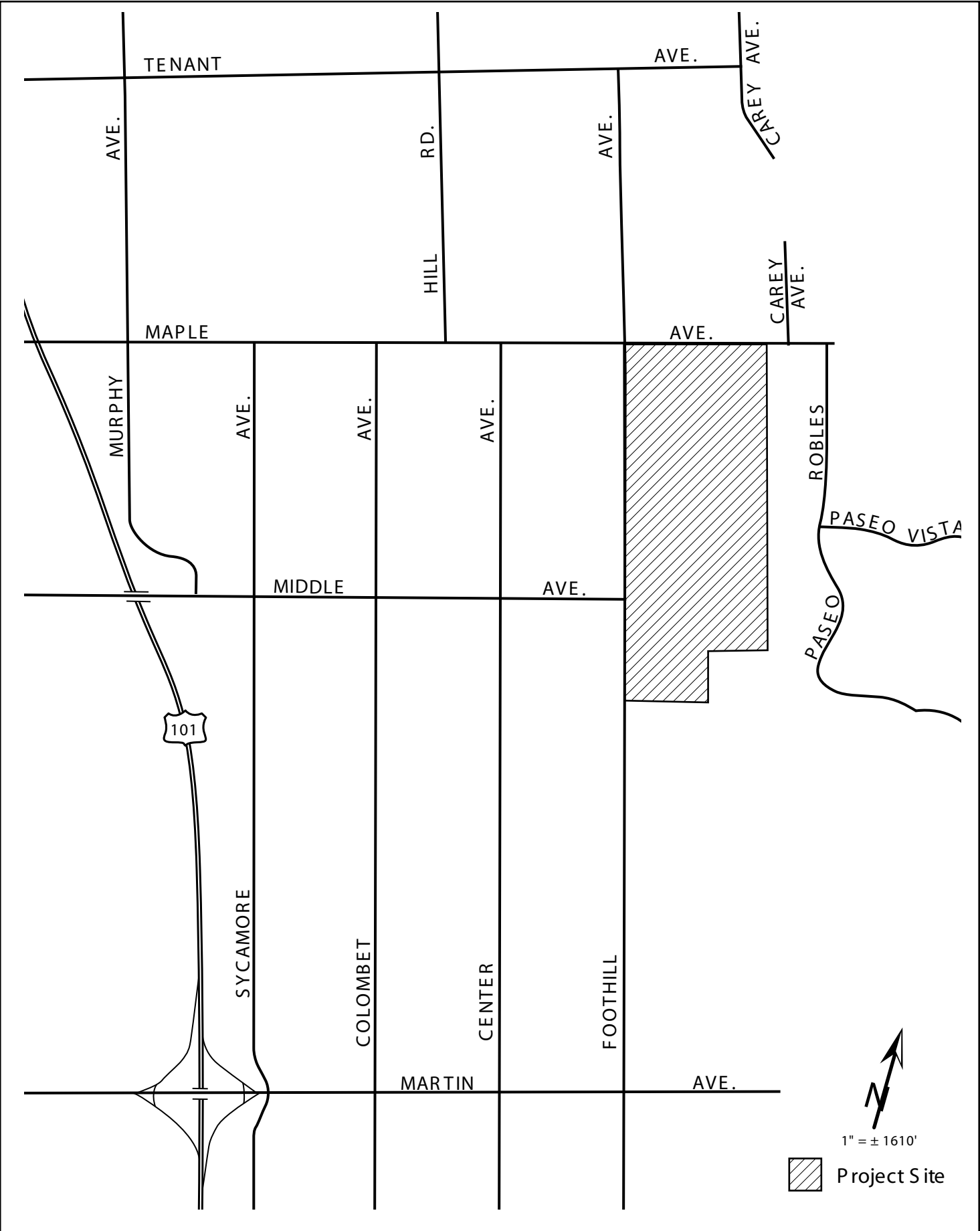
While the application for the site review amendment and conditional use permit was prepared, a Temporary Use Permit was granted to the project proponent to allow the following maintenance activities on the golf course: irrigating the grass, shrubs, and trees; mowing the grass; and trimming

¹Archaeological Resource Management, Cultural Resource Evaluation for the Institute Project in the City of Morgan Hill, June 1996.



REGIONAL MAP

FIGURE 1



VICINITY MAP

FIGURE 2

the shrubs and trees. The Temporary Use Permit expired May 25, 2001. Subsequently, a request for a Planned Development Rezoning was submitted to the City by the project proponent on March 3, 2003. A new Temporary Use Permit was considered and approved by the City on August 27, 2003. The TUP will expire on March 31, 2004.

Because the golf course is already built, and was almost completed before work on this EIR began, the evaluation of pre-project conditions is limited by the information available from historic records. In addition, further construction on the project site was taking place during the preparation of the EIR. Development known to occur during the preparation of this EIR included construction of a wastewater treatment facility, and various golf course features such as greens, tee boxes, and sand traps. In addition, various earthmoving activities occurred on the site while the EIR was in preparation.

CEQA requires that an EIR evaluate the impacts that a project would have on physical conditions that exist "...at the time environmental analysis is commenced." [Section 15126.2 of the CEQA Guidelines] Since the project was mostly completed by the time the analysis began, this would result in comparing the project to itself, which is clearly not the purpose of CEQA.

CEQA only applies to the physical impacts that occur as a result of "governmental action" [Section 15002 (b)]. The preparation of an EIR is only triggered by the need for a discretionary act by a government body. In this instance, the action required is approval of the Planned Development Rezoning by the City of Morgan Hill. If the rezoning is approved, the City can subsequently issue permits (which may or may not be for the same grading and construction already done on the site) to implement the approved zoning. If the City chooses not to approve the rezoning, the land owner could be required to return the land to the condition it was prior to the illegal grading, or the City could approve another grading plan that would be compatible with other land uses (such as agriculture) that are allowed by right under the existing zoning.

This EIR evaluates the on-going operation of the golf course that was built on the site **as it was built**. The EIR also describes what were probably the physical impacts of building the golf course, compared to the environmental conditions that are believed to have existed before the golf course was built, based on what remains of those conditions. In a section entitled "Secondary Impacts" (page 105), there is a description of the effects of allowing the golf course to remain as is, rather than returning the site to its previous existing conditions.

Finally, this EIR identifies methods for reducing project impacts, generally changes in project design or operations, that must be considered by the City prior to acting on the requested entitlements.

Proposed Project

The proposed project includes two main components, the continued operation of the existing 18-hole golf course (including the use of the renovated hanger building as a maintenance building) and the creation of the American Institute of Mathematics.

The project proponent has stated that the golf course will be open for private use only from April 16th to September 30th and that play on the golf course will be limited to a maximum of 36 rounds of golf per day, seven days per week, from sunrise to sundown. Players will not be allowed to use golf carts. Golf carts will be used on the golf course for maintenance purposes only.

The existing 58,946 square foot restaurant building (former Flying Lady restaurant) will be demolished and a new building will be constructed to serve as the headquarters of the American Institute of Mathematics. The new building will be 58,550 square feet in size, two stories in height, and located within the approximate footprint of the existing restaurant building. Supplemental plans, including floor plans, of the proposed American Institute of Mathematics headquarters building are on file with the City of Morgan Hill, and were reviewed during the preparation of this EIR. A floor plan of the former hangar building showing its current use as a maintenance building, is also on file with the City. The existing driveways and 118 stall parking area is proposed to remain as is. The project proponent has stated that the headquarters of the American Institute of Mathematics will have a permanent staff of about 10 employees and plans are to hold a maximum of 24 Mathematics Research Conferences per year. Each conference would consist of approximately 32 mathematicians residing on the site in two buildings, for approximately one week. Most of the mathematicians will fly to the Bay Area and be shuttled to the site. During the conference, the mathematicians will have seminars and group discussions, work with computers, and conduct research and work in the on-site mathematics library.

In addition, the Planned Development Rezoning proposes to: (1) use the existing 4,992 square foot residence (a former farmhouse) on the project site as a residence for mathematicians, (2) renovate an existing 1,850 square foot milk barn for use as restrooms, (3) renovate an existing 8,774 square foot hay barn for use as the caretaker's quarters and for equipment storage, (4) use an existing church building for offices, food preparation and service, and a lecture hall, and (5) continue to use the existing guard building at the front gate. Floor plans showing the proposed uses of these existing buildings are not available.

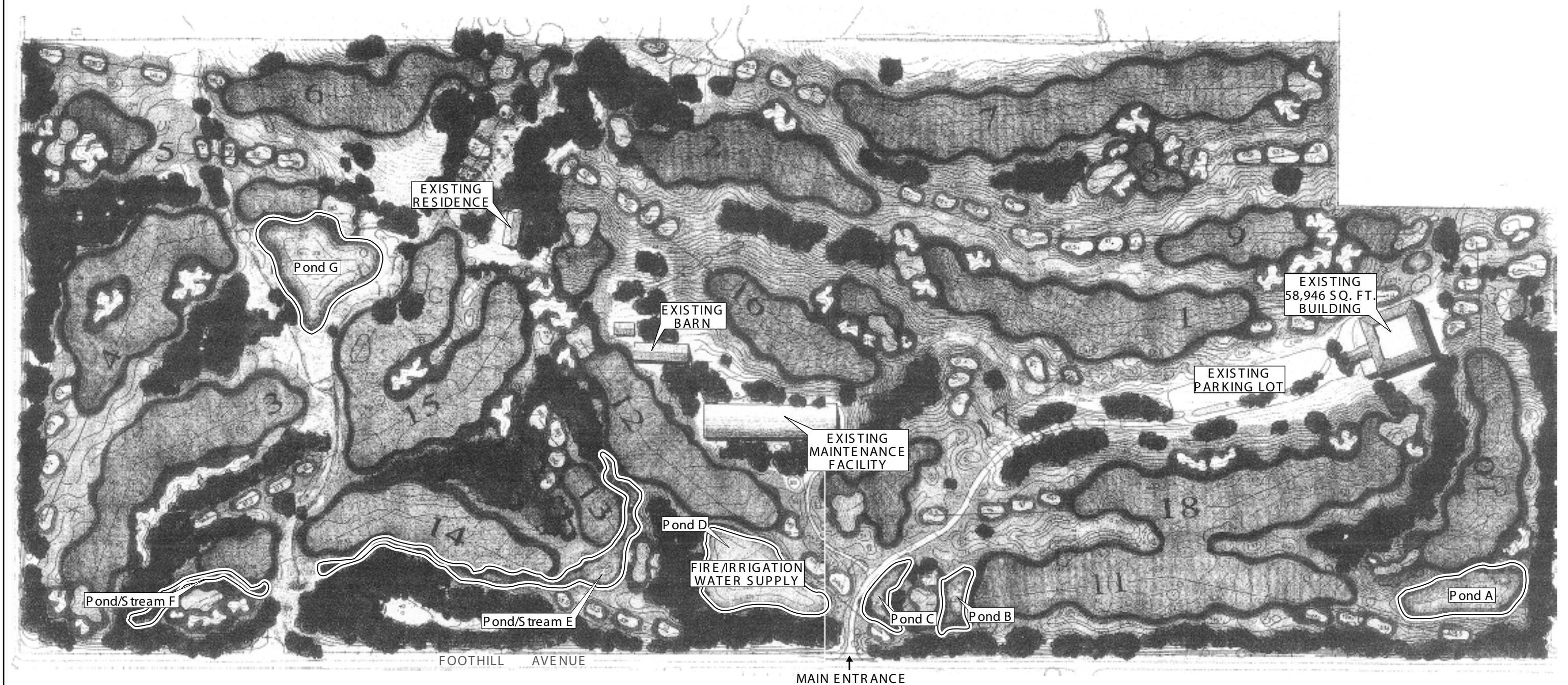
No further grading and/or additional site improvements are shown on any of the plans provided to the City. Golf course maintenance, however, may require grading and site improvements to optimize drainage of the course. In addition, the demolition of the existing restaurant building, construction of a the new headquarters of the Mathematics Institute, and renovation of other structures on the project site may also require grading.

New Proposed Mitigation

On March 3, 2003, the project proponent submitted a letter to the City of Morgan Hill that described mitigation measures proposed by the project and/or provided additional information/studies intended to refute information in the previously circulated EIR. The proposed mitigation and/or additional information/studies were evaluated and are described in further detail in the sections of this EIR that address each of the specific topics (i.e., **Section II., B., Geology and Soils, Section II., C., Vegetation and Wildlife, Section II., D., Hydrology and Water Quality, and Section II., E., Water Supply**).

Planned Development Rezoning

As previously described, the grading and improvements allowed under the original grading permit issued by the City for the project site were exceeded by the project proponent during the construction of the existing 18-hole golf course (refer to Figure 3). In addition to grading most of the project site, the following improvements were made during the construction of the golf course: a series of seven ponds/streams were constructed that serve as golf course amenities and an equalizing reservoir for the irrigation system, approximately 53 catch basins were built to collect storm water from the course and drain to the ponds; hundreds of landscape trees were planted throughout the site, many of which are redwood trees planted along Foothill Avenue; the pre-existing steel building (the



Source: Graves & Pascuzzo (Sept. 1999)

Scale: 1" = ± 190'

“hangar”) was renovated to serve as the golf course maintenance building; and new asphalt access driveways to the existing restaurant building and the maintenance building were constructed.

Subject to approval by the Morgan Hill City Council, the proposed planned development rezoning will allow the on-going use of the existing golf course (including the use of the renovated hanger building as a maintenance building), and the demolition of the existing restaurant building on the site and construction of a new building of similar size for use as the headquarters of the American Institute of Mathematics. In addition, the zoning proposes the use of the existing 4,992-square foot residence on the project site as a residence for mathematicians, use of the existing 1,850-square foot milk barn as a restroom, use of the existing 8,774-square foot hay barn as the caretaker's quarters and equipment storage, and use of the existing church building for offices, food services, and a lecture hall.

The golf course will be for private use that will occur only from April 16th to September 30th. Play on the golf course will be limited to a maximum of 36 rounds of golf per day, seven days per week, between sunrise and sundown. The headquarters of the American Institute of Mathematics will have a permanent staff of about 25 employees and plans to hold a maximum of 24 Mathematics Research Conferences per year.

The Planned Development Rezoning application that was submitted to the City also identifies “Charity Golf Tournaments” as a proposed use. The City will not approve zoning for the project site that includes golf tournaments as a proposed use. No information has been provided by the project proponent on any aspect of the golf tournaments, including their frequency or how many people might attend them. A cursory review of the environmental impacts that could result if “Charity Golf Tournaments” were held at the project site include water supply, traffic, parking, noise, air pollution, and pedestrian safety impacts. Crowds on the site could generate litter and adversely impact the sensitive wildlife and vegetation in the area. This EIR does not address the use of the project site for golf tournaments at all. Under CEQA, the City cannot approve the proposed golf tournaments unless future CEQA analysis is done that addresses the impacts of holding the tournaments at this location. The City will have to deny the use of the property for golf tournaments without additional CEQA review.

D. PROJECT OBJECTIVES

The project proponents’ objectives for the proposed project are to operate a private 18-hole golf course, the headquarters of the American Institute of Mathematics, and conference facilities on the project site.

The City’s objectives for this project are to develop the project site in a manner that is consistent with the goals and policies of the City of Morgan Hill, as reflected in their adopted General Plan and Zoning Ordinance.

E. CONSISTENCY WITH ADOPTED PLANS AND POLICIES

In conformance with Section 15125(b) of the CEQA Guidelines, the following section discusses the consistency of the proposed project with relevant plans and policies.

1. Federal, State, and Regional Policies

Clean Water Act

The existing storm water program (Phase I) of the National Pollutant Discharge Elimination System (NPDES) requires municipalities serving more than 100,000 persons to obtain a NPDES storm water permit (final rule, November 1990). Phase II NPDES storm water regulations, finalized in October, 1999, expanded the national program to smaller municipalities with a population of 10,000 or more and construction sites that disturb more than one acre of land; however, these requirements have not yet taken effect. As of 2003, the City of Morgan Hill is required to comply with the National Clean Water Act regulations regarding the reduction of non-point source pollutants from storm water discharges within the City. At a minimum, this includes the following six measures aimed at reducing the discharge of storm water pollutants for protection of water quality:

- Public education and outreach;
- Public involvement;
- Illicit discharge detection and elimination;
- Construction site runoff control for sites greater than one acre;
- Post-construction storm water management practices; and
- Pollution prevention and good housekeeping of municipal operations.

Projects started within the City prior to 2003, such as the proposed project, involving five acres or more of soil disturbance are required to submit an application (Notice of Intent) for coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activity and to comply with the provisions of the General Permit, which requires the following:

- Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting storm water, and with the intent of keeping all products of erosion from moving off-site into receiving waters;
- Eliminate or reduce non-storm water discharges to storm sewer systems and other waters of the nation; and
- Perform inspections of all BMPs.

Consistency: According to information supplied by the project proponent, a Notice of Intent for project construction was filed in January 2000, approximately two years after initiating site grading activities. There is no information indicating that the project proponent prepared the required SWPPP or complied with other provisions of the General Storm Water Permit. Therefore, project construction was conducted in violation of the Clean Water Act. Furthermore, projects that do not comply with the provisions of the General Storm Water Permit are also in violation of the California Water Code.

In April 2003, the proponent prepared a SWPPP for the project². The stated purpose of the SWPPP prepared by the proponent is to cover the "...ongoing golf course maintenance, minor alterations of vegetation and facilities, and reconstruction of the "Flying Lady" restaurant into the Institute of Mathematics facility." The SWPPP was submitted to the Central Coast Regional Water Quality Control Board (RWQCB) for review. The SWPPP was found to be deficient by the RWQCB, who then issued two Notices of Violation to the proponent. Amendments to the SWPPP were made by the proponent and submitted to the RWQCB in September and October 2003.

The significant unmitigated water quality impacts identified in **Section II., D., Hydrology and Water Quality** as resulting from the project as proposed mean that the project is inconsistent with the policies of the Clean Water Act.

Central Coast Basin Water Quality Control Plan (Basin Plan)

The Regional Water Quality Control Board (RWQCB) has developed and adopted a Water Quality Control Plan (Basin Plan) for the Central Coast Basin. The Plan is a master policy document that contains descriptions of the legal, technical, and programmatic bases of water quality regulation in the Central Coast Basin. The Regional Board first adopted a water quality control plan in 1975 and the last major revision was adopted in 1995.

The Plan provides a program of actions designed to preserve and enhance water quality and to protect beneficial uses based upon the requirements of the Porter-Cologne Act. It meets the requirements of the U.S. Environmental Protection Agency (EPA) and establishes conditions related to discharges that must be met at all times.

The implementation portion of the Basin Plan includes descriptions of specific actions to be taken by local public entities and industries to comply with the policies and objectives of the Plan. These include measures for urban runoff management and agricultural wastewater management.

Consistency: According to information supplied by the project proponent, a Notice of Intent for project construction was filed in January 2000, approximately two years after initiating site grading activities. There is no information indicating that the project proponent prepared the required SWPPP or complied with other provisions of the General Storm Water Permit. Therefore, the water quality of San Martin Creek and Corralitos Creek was jeopardized during construction of the golf course

In April 2003 the proponent prepared a SWPPP for the project. The stated purpose of the SWPPP is to cover the "...ongoing golf course maintenance, minor alterations of vegetation and facilities, and reconstruction of the "Flying Lady" restaurant into the Institute of Mathematics facility." The SWPPP was submitted to the Central Coast Regional Water Quality Control Board (RWQCB) for review. The SWPPP was found by the RWQCB to be deficient and issued two Notices of Violation to the proponent. Amendments to the SWPPP were made by the proponent and submitted to the RWQCB in September and October 2003.

²Long, Randall C., "Storm Water Pollution Prevention Plan (SWPPP) - Institute Golf Course," April 22, 2003.

The significant unmitigated water quality impacts identified in **Section II., D., Hydrology and Water Quality** as resulting from the project as proposed mean that the project is inconsistent with the policies of the Basin Plan.

1982 Bay Area Air Quality Plan and 2000 Clean Air Plan ABAG/BAAQMD/MTC

The 1982 Bay Area Air Quality Plan and 2000 Clean Air Plan ('00 CAP) establishes regional policies and guidelines to meet the requirements of the Clean Air Act, as amended through 1990. The Bay Area is a non-attainment area for carbon monoxide, because federal standards are exceeded for that pollutant. Each non-attainment area was required to submit detailed plans to the State by June 30, 1991, to demonstrate new control programs and schedules for their implementation.

The Bay Area 2000 Clean Air Plan is the current regional strategy for improving air quality. The Plan proposes the adoption of transportation, mobile source and stationary source controls on a variety of pollutant sources to offset population growth and provide improvement in air quality. The consistency of the proposed project with this regional plan is primarily a question of consistency with the population/employment assumptions utilized in developing the plan.

Consistency: The growth projections of the Clean Air Plan are based on General Plan buildout. The proposed project does not propose to substantially increase the number of jobs beyond the assumptions of the City's adopted General Plan. Therefore, although future maintenance activities (i.e. grading) associated with the proposed project may generate minor temporary air pollution impacts, the project is consistent with the Clean Air Plan.

2. Local Plans and Policies

Morgan Hill General Plan 2001

Most of the project site is currently designated as *Open Space* in the Morgan Hill General Plan. A small portion of the property in the area of the existing restaurant building, is designated as *Commercial* by the General Plan. The relevant General Plan goals and policies are provided in italics, and are followed by a discussion of the project's consistency.

Community Development.

Policy 1a Ensure that City decisions regarding planning are reached in a comprehensive, coordinated manner.

Consistency: This EIR will be used by the City to ensure the decisions regarding this project are reached in a comprehensive coordinated manner.

Policy 2B Ensure that facility/service standards can be met for new development by the time of occupancy.

Consistency: Existing utilities such as sanitary sewer lines are sufficient to serve the proposed project, however, there is not yet an acceptable potable water supply identified for

the project and existing storm water facilities in the project area do not have capacity for the runoff created by the project. Specific mitigation measures have been identified in this EIR that will reduce these impacts to a less than significant level, however, they are not presently proposed by the project. Therefore, the proposed project is inconsistent with this policy, unless the mitigation measures are required as a condition of project approval.

Policy 5b Retain current Rural County and Open Space land use designations in the City's General Plan, applicable to rural unincorporated lands outside the UGB.

Consistency: Most of the project site will be used as a private golf course and will remain designated as *Open Space*.

Policy 6a Avoid development in areas of natural hazards such as landslide and flood prone areas.

Policy 6c Evaluate potential impacts of development projects on adjacent uses in initial environmental assessments and EIRs.

Consistency: Construction of the existing golf course has altered the hydrology of the site, which may result in the flooding of downstream land uses. Specific mitigation measures have been identified in this EIR that will reduce this impact to a less than significant level, however, they are not presently proposed by the project. Therefore, the proposed project is inconsistent with these policies, unless the mitigation measures are required as a condition of project approval.

Policy 17a Ensure police and fire staffing and facilities as necessary to provide adequate public safety protection.

Policy 17b Promote police and fire security considerations in all structures by ensuring that crime and fire prevention concepts are considered in development and design.

Consistency: The on-site fire water supply is insufficient to serve the proposed project. Specific mitigation measures have been identified in this EIR that will reduce this impact to a less than significant level, however, they are not presently proposed by the project. Therefore, the proposed project is inconsistent with these policies, unless the mitigation measures are required as a condition of project approval.

Policy 20c Ensure that the total capacity for the Gilroy/Morgan Hill Wastewater Treatment Facility, its timing for completion, and configuration are consistent with SCJAP policies for the overall growth of Morgan Hill and Gilroy.

Policy 21a Manage the supply and use of water more efficiently through appropriate means, such as watershed protection, percolation, conservation and reclamation.

Consistency: The Gilroy/Morgan Hill Wastewater Treatment Facility has remaining capacity to serve the proposed project. The excessive amount of irrigated turf (128 acres

compared to 50-60 acres for a typical golf course) on the golf course will not facilitate the City's water conservation efforts and irrigation of the proposed project may substantially deplete groundwater resources. Specific mitigation measures have been identified in this EIR that will reduce this impact to a less than significant level, however, they are not presently proposed by the project. Therefore, the proposed project is inconsistent with this policy, unless the mitigation measures are required as a condition of project approval.

Policy 22a Address issues related to flooding throughout the city.

Policy 22b Ensure that those residents who benefit from, as well as those who contribute to the need for, local drainage facilities pay for them.

Consistency: Golf course development has altered the drainage pattern of the site, which may result in the flooding of adjacent residential land uses. Specific mitigation measures have been identified in this EIR that will reduce this impact to a less than significant level, however, they are not presently proposed by the project. Therefore, the proposed project is inconsistent with these policies, unless the mitigation measures are required as a condition of project approval.

Circulation

Policy 1d Ensure compatibility of the transportation system with existing and proposed land uses, promoting environmental objectives such as safe and uncongested neighborhoods, energy conservation, reduction of air and noise pollution, and the integrity of scenic and/or hillside areas.

Consistency: The project was constructed in advance of obtaining permits and approvals. Frontage street improvements (e.g., curb, sidewalk, and gutter) would have been required during the approval process to ensure the compatibility of existing and proposed land uses. The proposed project does not include frontage street improvements.

Policy 3a Ensure that all developments provide adequate and convenient parking.

Consistency: Existing on-site parking will be sufficient to serve the proposed project.

Open Space and Conservation

Policy 1a Work with the County, the Open Space Authority, appropriate conservancy organizations and land trusts, and property owners to preserve large open space areas, such as agricultural lands and outdoor recreation areas to conserve natural resources, and retain the city's unique identity.

Policy 1c A variety of methods shall be used to retain open space and, at the same time, respect the needs and rights of property owners.

Consistency: The golf course component of the proposed project is an open space use and will not be inconsistent with the integrity of the hillside/mountain areas as the South County's major scenic and natural resource. Outdoor recreation is consistent with the *Open Space* designation.

Policy 3i Protect agricultural lands from encroachment by incompatible land uses, including urban residential development.

Consistency: The proposed project is located in an agricultural area. While not incompatible with surrounding agricultural uses, the proposed project will increase the desirability of residential development in the surrounding area, and may be growth inducing.

Policy 5b Maintain riparian systems, stream banks and floodways in open space or related open space uses such as wildlife habitat, recreation or agriculture.

Policy 5d Retain natural streamside and riparian areas in their natural state in order to preserve their value as percolation and recharge areas, natural habitat, scenic resources, recreation corridors and for bank stabilization.

Consistency: Riparian systems and streamside were degraded by the proposed project. Specific mitigation measures have been identified in this EIR that will reduce these impacts to a less than significant level, however, they are not presently proposed by the project. Therefore, the proposed project is inconsistent with these policies, unless the mitigation measures are required as a condition of project approval.

Policy 6a Preserve all fish and wildlife habitats in their natural state whenever possible. Consider development impacts upon wildlife and utilize actions to mitigate those environmental impacts.

Policy 6c Preserve outstanding natural features, such as the skyline of a prominent hill, rock outcroppings, and native and/or historically significant trees.

Policy 6d Development shall be designed to conserve soil and avoid erosion.

Policy 6e Identify and protect wildlife, rare and endangered plants and animals, and heritage resources from loss and destruction.

Consistency: Rare and endangered plants and animals that occurred on the project site prior to development of the golf course may have been jeopardized or destroyed as a result of development of the golf course. Development of the golf course resulted in the loss of serpentine and riparian habitats. Continued operation of the proposed project may degrade water quality downstream of the project site, which is known to support federally-listed species, including steelhead. Construction of the golf course occurred in the absence of a Storm Water Pollution Prevention Plan and an approved grading plan, and could have resulted in soil erosion. Specific mitigation measures have been identified in this EIR that will reduce these impacts to a less than significant level, however, they are not presently proposed by the project. Therefore, the proposed project is inconsistent with these policies, unless the mitigation measures are required as a condition of project approval.

Policy 7k Promote water conservation and water use in all private and public development projects and landscape plans.

Consistency: Water consumption by the golf course is reduced by use of a computerized irrigation system, however, the proposed project includes an excessive amount of irrigated turf compared with typical 18-hole golf courses (128 acres compared to 50-60 acres for a

typical golf course). Specific mitigation measures have been identified in this EIR that will reduce this impact to a less than significant level, however, they are not presently proposed by the project. Therefore, the proposed project is inconsistent with these policies, unless the mitigation measures are required as a condition of project approval.

Public Health and Safety

Policy 1d Known or potential geologic, fire, and flood hazards should be reported as part of every real estate transaction, as well as recordation on documents to be reported for building permits, subdivisions and land development reports. Mitigation of hazards should be noted in the same manner.

Policy 1g New development should avoid hazardous and sensitive areas, and should occur only where it can be built without risking health and safety.

Policy 1h Hillsides should be protected, and development should be carefully controlled on steep slopes. When hillside land is developed, it should be done with minimum disruption of topography and vegetative cover.

Consistency: Golf course development along the hillside required substantial grading and removal of vegetative cover. The stability of existing slopes on the project site are undocumented. Specific mitigation measures have been identified in this EIR that will reduce this impact to a less than significant level, however, they are not presently proposed by the project. Therefore, the proposed project is inconsistent with these policies, unless the mitigation measures are required as a condition of project approval.

Policy 3b Continue a program of regular inspections and monitoring to ensure compliance with local, state, and federal regulations, in order to reduce the risks associated with the use and handling of hazardous materials and wastes.

Policy 3d Continue to inspect regularly activities that store and/or use hazardous materials, including above-ground and underground storage tanks and related equipment, to ensure compliance with the City's Hazardous Materials Storage Ordinance.

Policy 3f Require submittal of a hazardous materials handling plan as a prerequisite for developments requiring zone changes and use permits.

Policy 3g Support County and Santa Clara Valley Water District programs to encourage source reduction and waste minimization by smaller firms which generate hazardous wastes.

Consistency: All necessary permits have been obtained for the storage and use of hazardous materials on the project site. A Hazardous Waste Generator Permit has been obtained for hazardous waste generation on the site.

Policy 4b Prohibit development in floodways and regulate development in floodplains to minimize flood damage and be consistent with the federal flood insurance program and Santa Clara Valley Water District regulations.

- Policy 4e Natural streamside and riparian areas should be left in their natural state in order to preserve their value as percolation and recharge areas, natural habitat, scenic resources, recreation corridors and for bank stabilization.*
- Policy 4k Require developers whose proposed projects would induce downstream flooding to provide mitigation to eliminate the flood-inducing impacts of their projects.*
- Policy 4n Require mitigation of any storm water runoff produced by development that occurs beyond that described in the General Plans of the City and County as of 1982.*
- Policy 4o Require all local development to provide appropriate mitigation of off-site flooding impacts, including limiting runoff to pre-development levels and/or complete solutions to flooding and local drainage problems in the vicinity of the development, using such methods as detention or retention.*
- Policy 4p Require careful consideration of the cumulative effects of development which would drain into the upper reaches of Llagas Creek and other creeks, in order to avoid the need for channelization and consequent destruction of its riparian vegetation and natural habitat.*

Consistency: Construction of the existing 18-hole golf course has altered the existing hydrology of the site which will exacerbate existing downstream flooding along the Foothill Avenue drainage and San Martin Creek. No provisions have been made to upgrade the existing drainage facilities to accept any changes in runoff from the proposed project. Specific mitigation measures have been identified in this EIR that will reduce this impact to a less than significant level, however, they are not presently proposed by the project. Therefore, the proposed project is inconsistent with these policies, unless the mitigation measures are required as a condition of project approval.

- Policy 5a Protect water quality from contamination, and monitor it to assure that present policies and regulations are adequate. Prohibit such uses as waste facilities, septic systems and industries using toxic chemicals where polluting substances may come in contact with groundwater, floodwaters, and creeks or reservoir waters.*

- Policy 5f Encourage enhancement of sensitive wetlands as part of future development.*

Consistency: Continued operation of the golf course as proposed will degrade surface water and groundwater quality, and will also result in the degradation of sensitive wetlands. Specific mitigation measures have been identified in this EIR that will reduce this impact to a less than significant level, however, they are not presently proposed by the project. Therefore, the proposed project is inconsistent with these policies, unless the mitigation measures are required as a condition of project approval..

- Policy 6f Require the protection and/or replacement of essential habitat for rare, threatened, or endangered species and species of special concern as required by state and federal law.*

Policy 6g Encourage the protection, restoration, and enhancement of remaining native grasslands, oak woodlands, marshlands and riparian habitat.

Policy 6h Preserve and protect mature, healthy trees whenever feasible, particularly native trees and other trees which are of significant size or of significant aesthetic value to immediate vicinity or to the community as a whole.

Consistency: Construction of the existing golf course resulted in the loss of special-status species habitat including, oak woodland, wetland, and riparian habitat. Specific mitigation measures have been identified in this EIR that will reduce this impact to a less than significant level, however, they are not presently proposed by the project. Therefore, the proposed project is inconsistent with these policies, unless the mitigation measures are required as a condition of project approval.

Conclusion: The General Plan contains a number of policies which are intended to achieve a broad spectrum of community objectives. Although a specific project may not be totally consistent with each and every policy, the proposed project is inconsistent with a substantial number of relevant policies. Specific mitigation measures have been identified in this EIR that will reduce this impact to a less than significant level, however, they are not proposed by the project. Therefore, the proposed project is inconsistent with the City of Morgan Hill General Plan.

As stated previously and throughout the remainder of this document, mitigation measures are identified to reduce the impacts of the proposed project to less than significant, and thereby the project would achieve conformance with the General Plan, if all of the identified mitigation measures are required as conditions of project approval by the City of Morgan Hill.

F. USES OF THE EIR

This Environmental Impact Report (EIR) will be used to provide the environmental review necessary for the development of the proposed project. The EIR provides the City of Morgan Hill, as the Lead Agency, with relevant information to use in considering the approval of the project.

The City of Morgan Hill will use the EIR in its decision making process for the discretionary approvals to implement the project, as listed below.

- Planned Development Rezoning, City of Morgan Hill

Other agencies who may have jurisdiction over this project, or some aspect of it, include the Regional Water Quality Control Board (Clean Water Certification), the California Department of Fish and Game (Streambed Alteration Agreement), the United States Fish and Wildlife Service (Section 10 Incidental Take Permit), and the United States Army Corps of Engineers (Section 404 Permit).